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16  
17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**  
19 **WESTERN DIVISION (LOS ANGELES)**  
20

21 ANDREW MASON DVASH- )  
BANKS AND E.J. D.-B., )  
22 )  
Plaintiffs, )  
23 )  
v. )  
24 )  
THE UNITED STATES )  
25 DEPARTMENT OF STATE, )  
and THE HONORABLE )  
26 MICHAEL R. POMPEO, )  
Secretary of State, )  
27 )  
Defendants. )  
28

Case No. 2:18-cv-00523-JFW-(JCx)

**EXCERPTS FROM THE  
DEPOSITION OF ANDREW  
MASON DVASH-BANKS IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Judge: Hon. John F. Walter  
Hearing Date: February 4, 2019  
Courtroom: 7A

1 Pursuant to Part 4(b) of the Court's Scheduling and Case Management  
2 Order (DKT 52), entered on August 21, 2018, attached hereto are excerpts from  
3 the deposition of Andrew Mason Dvash-Banks submitted in support of Plaintiffs'  
4 Opposition to Defendants' Motion for Partial Summary Judgment.

5 Dated: January 14, 2019 Respectfully submitted,

6 By: /s/ Alexa M. Lawson-Remer  
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*Attorneys for Plaintiffs*

**Pages 29-30**

19 Q It keeps getting better, believe it or  
20 not. But it -- it's all great.  
21 And you -- do you currently live with your  
22 husband and your children?  
23 A I do, yes.  
24 Q Do you live with anybody else?  
25 A No.

1 Q Since the four of you have become a family  
2 unit, have you lived with anybody else?  
3 A Since the four of us have become a family  
4 unit, have we lived with anyone else? And by "live"  
5 you mean -- I just want to make sure I'm going to  
6 answer the question correctly -- like, under the  
7 same roof for any period of time?  
8 Q For a month or longer.  
9 A For a month or longer. Yes, we have.  
10 Q Was it one of your parents?  
11 A Yes.  
12 Q Other than that, was there anybody else  
13 that you've lived with as a family?  
14 A No.

**Pages 67-68**

25 Q At some point prior to the birth of your  
  
1 children, you and your husband, did you and your  
2 husband decide to have children?  
3 A At some point prior to the birth of my  
4 children? Yeah.

**Page 79**

12 Q And I will represent for the record that  
13 the complaint refers to use of an anonymous egg  
14 donor. Was your -- do you understand that you used  
15 anonymous egg donor?  
16 A Yes.

**Pages 83-84**

17 Q And the -- could you describe in broad

18 strokes how you used the fertility clinic in the  
19 process of having your children?

20 A Yes. We used the fertility -- in broad  
21 strokes --

22 Q Yes.

23 A -- we used the fertility clinic to collect  
24 our semen or sperm, to test it, to test us  
25 medically, and to create embryos and to test those

1 embryos and to implant the embryos in our surrogate.

2 Totally broad strokes there.

3 Q Sure.

4 Were the embryos created after you  
5 selected the surrogate and you selected each other?

6 A No.

7 Q At what point in time were the embryos  
8 created, approximately?

9 A In July -- the end of July 2015, beginning  
10 August 2015.

**Pages 84-85**

17 Q Do you know how many embryos were  
18 implanted in the surrogate?

19 A Yes.

20 Q How many?

21 A Two.

22 Q And did you at the time of implantation  
23 know whether your genetic material were -- was used  
24 to create either of those two embryos?

25 A Did I know prior to implantation?

1 Q Yes.

2 A I believed at the time I did.

3 Q And what was your understanding at the  
4 time?

5 A From the information that was provided to  
6 me from the fertility clinic, I understood that one  
7 of the embryos had my genetic material.

8 Q And what was your understanding with  
9 respect to the other embryo?

10 A It did not have my genetic material.

11 Q Did it have your husband's genetic  
12 material?

13 A Yes.

**Pages 95-97**

4 Q And I would like to identify for the  
5 record, if you can, the page spans that are -- that  
6 were submitted with the materials in -- with the  
7 initial application to be distinguished from  
8 anything that appears in Plaintiff's Exhibit 5 that  
9 is not either the application that we just  
10 identified or the initial application materials.

11 So my question for you is: Can you  
12 quickly go through and identify the page spans for  
13 the materials that you submitted with the initial  
14 application, please.

15 MS. LAWSON-REMER: To the extent he knows  
16 or remembers?

17 MS. ZEIDNER MARCUS: Correct.

18 MS. LAWSON-REMER: Okay.

19 THE WITNESS: Yeah. Are you asking me to,  
20 like --

21 BY MS. LAWSON-REMER:

22 Q Yes.

23 A -- say --

24 Q Please state for the record.

25 A Like, the -- the four-digit number at the

1 top; right?

2 Q Yes, please.

3 A From, like, the beginning of the  
4 application to where the end of the supporting  
5 documentation is?

6 Q I'm now -- we --

7 A Basically, I just -- I don't want to have  
8 to say every single number is what I'm asking you.

9 Q No, no. Right, right. Yes. Exactly. I  
10 want the span, so --

11 A Okay. You want the span. Got it. Okay.

12 Q I'm looking for supporting materials.

13 We've covered the application itself.

14 A Yeah, yeah, yeah.

15 Q The supporting materials --

16 A Got it.

17 Q -- where do they start, where do they end?

18 A So supporting materials look like they  
19 begin on 1764.

20 Q Okay.

21 MS. LAWSON-REMER: And just -- I'll just  
22 make sure that I instruct you to look at every page  
23 as you do this.

24 THE WITNESS: As I do this? Okay. I'll  
25 look at every page as I do this.

1 So I believe -- this is just to the best  
2 of my knowledge -- the supporting documentation  
3 finishes on page 1808.

4 BY MS. ZEIDNER MARCUS:

5 Q Okay. And just to be clear, the materials  
6 between 1764 and 1808 are materials that you  
7 submitted with the initial application?

8 MS. LAWSON-REMER: Inclusive of 1808?

9 MS. ZEIDNER MARCUS: Yes.

10 MS. LAWSON-REMER: Okay.

11 THE WITNESS: Yes. To the best of my  
12 knowledge, yes.

**Page 112**

19 Q Do you have any under- -- do you know the  
20 result of this court order?

21 A Yes.

22 Q What was the result?

23 A The result was affirming Elad and myself's  
24 parentage to our twin boys.

**Page 161**

5 Q From your perspective, generally speaking,  
6 what are your claims against the Department of  
7 State?

8 A From my perspective, my claim against the  
9 Department of State is that my son EJ was refused  
10 United States citizenship by the U.S. state  
11 department. And my claim is that -- that we were  
12 wrong and treated unfairly, and that's an unfair --  
13 how do I say this? And -- and that he was refused  
14 American citizenship because he's considered a child

15 born out of wedlock. And his twin brother born four  
16 minutes before him was granted American citizenship.

**Pages 165-166**

4 Q Okay. Can you look at Plaintiff's Exhibit  
5 5, please. I will represent to you that this was --  
6 this packet that's Plaintiff's Exhibit 5 was  
7 attached to defendant's initial disclosures in this  
8 action and was identified by defendants as the  
9 passport file for EJ. Okay?

10 If you could just turn to the page that  
11 ends with the number 1767.

12 A All right. I'm here.

13 Q Okay. Do you recognize this to be a true  
14 and correct copy of your marriage license?

15 A It appears to be, yes.

16 Q All right. Do you have any reason to  
17 doubt its authenticity?

18 A I do not, no.

19 Q Does it look any different from the last  
20 time you saw it?

21 A No. I don't think so.

22 Q Okay. And it's a copy of the document  
23 that you submitted in connection with EJ's  
24 applications for CRBA and passport; is that correct?

25 A Yes, that's correct.

1 Q Okay. If we could back up a little bit.

2 In the same packet, Plaintiff's Exhibit 5, go to  
3 1764.

4 A Okay. I'm here.

5 Q And do you recognize this to be a true and  
6 correct copy of the statement of live birth for EJ?

7 A It appears to be, yes.

8 Q And does it list you as one of his  
9 fathers?

10 A It does, yes.

11 Q And who does it list as the other father?

12 A My husband.

Andrew Mason Dvash-Banks

12/12/2018

7 Q Is it correct that you and Elad  
8 Dvash-Banks were married on the day E [REDACTED] and A [REDACTED]  
9 -- excuse me. I'll strike that.  
10 Is it correct that you and Elad were  
11 married on the day EJ and AJ were born?  
12 A We were married on the day EJ and AJ were  
13 born.  
14 Q And what day was that?  
15 A They were born on September 16th, 2016.  
16 Q Okay. Does EJ live with you?  
17 A Yes.  
18 Q And -- and Elad?  
19 A Yes.  
20 Q Has he lived with you from the time he  
21 left the hospital when he was born into -- to the  
22 present?  
23 A Yes.